

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:11cv244**

USA TROUSER, S.A. de C.V.,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
INTERNATIONAL LEGWEAR)	
GROUP, INC.; WILLIAM SHEELY;)	
JOHN SANCHEZ; and SCOTT)	
ANREWS,)	
)	
Defendants.)	
_____)	

THIS MATTER is before the Court on the Plaintiff's Motion for Summary Judgment as to Plaintiff's Claims against Defendant Scott Andrews [Doc. 55]; Plaintiff's Motion for Summary Judgment as to Claims against the Individual Defendants John Sanchez and William Sheely [Doc. 57]; the Individual Defendants' Motion for Summary Judgment [Doc. 60]; Plaintiff's Objections to Magistrate Judge Howell's Order Denying Plaintiff's Second Motion to Compel and Appeal to District Court Judge [Doc. 67]; and Plaintiff's Objections to Magistrate Judge Howell's Order Denying Plaintiff's Motion for Leave to Take the Depositions of James A. Williams and Scott Andrews after the Deadline for the Completion of Fact Discovery and Appeal to District Court

Judge [Doc. 69]. The Court held a hearing on these matters on October 24, 2012.

For the reasons stated in open court, **IT IS, THEREFORE, ORDERED** that the Plaintiff's Objections to Magistrate Judge Howell's Order Denying Plaintiff's Second Motion to Compel and Appeal to District Court Judge [Doc. 67] and Plaintiff's Objections to Magistrate Judge Howell's Order Denying Plaintiff's Motion for Leave to Take the Depositions of James A. Williams and Scott Andrews after the Deadline for the Completion of Fact Discovery and Appeal to District Court Judge [Doc. 69] are **SUSTAINED** to the extent as stated follows:

- (1) The Court will allow the discovery period to be extended for the limited purpose of allowing the Plaintiff to take a 30(b)(6) deposition of and/or seek non-party document production from International Legwear Group, Inc., James A. Williams, and/or Richelieu Ltd.;
- (2) Such document production shall occur on or before **9:00 am on November 5, 2012**. It shall be the responsibility of Plaintiff to serve an adequate subpoena on the appropriate parties to identify

the documents and items to be produced and to compel such production.

- (3) The deposition of James A. Williams shall occur on **November 6, 2012 beginning at 9:00 a.m.** It shall be the Plaintiff's responsibility to serve an adequate subpoena to compel the attendance of Mr. Williams. The Plaintiff shall have leave to depose Mr. Williams for up to seven (7) hours, while the Individual Defendants shall have leave to depose Mr. Williams for up to one (1) hour.
- (4) The deposition of Defendant Andrews shall occur on or before **November 7, 2012 beginning at 9:00 a.m.** Such deposition shall not exceed seven (7) hours.
- (5) Both the depositions of Mr. Williams and Mr. Andrews and such production of documents shall take place at the office of Plaintiff's counsel, unless the parties agree otherwise.

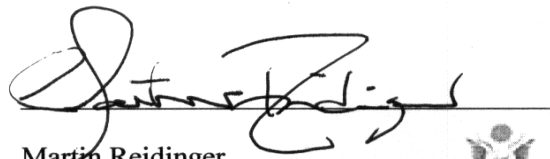
IT IS FURTHER ORDERED that the parties shall have leave to file supplemental briefs in support of their respective motions for summary judgment on or before **November 13, 2012**. Such supplemental briefs shall not exceed seven (7) pages in length and shall be double-spaced and in

fourteen (14) point font. The parties may also file documents that supplement their respective forecasts of evidence on or before the same deadline.

IT IS FURTHER ORDERED that the Court will conduct the hearing on the parties' motions for summary judgment on **November 21, 2012 at 9:00 a.m.**

IT IS SO ORDERED.

Signed: October 25, 2012


Martin Reidinger
United States District Judge

